

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF IOWA

IN RE: JIMMIE D. BRANDT LORI J. BRANDT, Debtors.	Case No. 19-00662-lmj13 ATWOOD RENTAL'S OBJECTION TO THE DEBTORS' CHAPTER 13 PLAN
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COMES NOW Atwood Rentals, a creditor in the above-captioned matter, by and through the undersigned attorney, and in support of its objection to the Debtors' Chapter 13 Plan, respectfully states to the Court as follows:

1. Jimmie D. Brandt and Lori J. Brandt (hereinafter referred to as the "Debtors") filed a Petition in this Court under Chapter 13 of the United States Bankruptcy Code on or about April 1, 2019, and filed their Chapter 13 Plan on April 1, 2019.

2. Atwood Rentals is a Lessor of the Debtors as more specifically evidenced in Proof of Claim No. 4 (hereinafter referred to as the "Claim") filed in the above-captioned matter. The Claim and all attachments thereto are specifically incorporated herein by this reference. The Debtors are attempting to value Atwood Rentals' property in an amount contrary to which was provided in the Claim.

3. Lori Brandt executed a Rental Purchase Agreement and Disclosure (hereinafter referred to as the "Agreement") dated October 25, 2016, as more specifically described in the Claim. Said Agreement is an executory contract/lease and Atwood Rentals currently maintains ownership of the property being rented under the Agreement. The Debtors have defaulted pursuant to the terms and conditions of the Agreement by their failure to make the monthly rental payments due and owing under the Agreement. The Debtors are improperly treating Atwood Rentals as a secured creditor.

The Debtors must treat the Atwood Rentals' claim as an executory contract/unexpired lease and assume or reject it and promptly cure the default if they chose to assume it.

WHEREFORE, Atwood Corporation of America, Inc., respectfully requests this Court to deny confirmation of the Debtors' Chapter 13 Plan and for such other and further relief as this Court deems equitable and just under the circumstances.

Respectfully submitted,

ABBOTT OSBORN VAN VLIET PLC

BY: /s/ Timothy J. Van Vliet

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ATTORNEY FOR ATWOOD RENTALS

CERTIFICATE OF SERVICE

By signing above, the attorney certifies that a true and accurate copy of the foregoing instrument was duly served upon the following parties at the addresses shown below by depositing said document addressed to each person, enclosed in sealed envelopes with proper postage affixed thereto, in a United States Post Office depository in West Des Moines, Iowa, on June 11, 2019.

Jimmie D. Brandt
2478 State Hwy. 92
Winterset, IA 50273

Lori J. Brandt
2478 State Hwy. 92
Winterset, IA 50273

By signing above, the attorney certifies that on June 11, 2019, this document was filed electronically in the United States Bankruptcy Court, for the Southern District of Iowa. This document was served electronically to all parties registered with the Bankruptcy Court to receive CM/ECF email service in this case.